

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY TORTORICE, SR.,

Plaintiff,

v.

MICHAEL BARNES, *et al.*,

Defendants.

CIVIL ACTION
NO. 17-2626

ORDER

AND NOW, this 7th day of June 2018, upon consideration of Defendants Local 8 and Barnes' Motion for Summary Judgment (ECF No. 54), Elliott-Lewis' Motion for Summary Judgment (ECF No. 56), the Kimmel Center's Motion for Summary Judgment (ECF No. 57), Plaintiff's Responses (ECF Nos. 62, 63, 64), Defendants' Replies (ECF Nos. 66, 68, 69), and following oral argument with counsel for the parties (ECF No. 74), it is **ORDERED** that:

1. Defendants Local 8 and Barnes' Motion for Summary Judgment (ECF No. 54) is **GRANTED in part** and **DENIED in part**. Judgment is entered for Local 8 on Counts I – IV of Plaintiff's Complaint;
2. Elliott-Lewis' Motion for Summary Judgment (ECF No. 56) is **GRANTED**. Judgment is entered for Elliott-Lewis Corporation on Count IV;
3. The Kimmel Center's Motion for Summary Judgment (ECF No. 57) is **GRANTED**. Judgment is entered for Kimmel Center Inc. on Count II;
4. Defendants Elliott-Lewis and the Kimmel Center's Motion to Exclude Testimony and Reports of Plaintiff's Proposed Expert (ECF No. 58), Motion to Exclude Evidence and Testimony Regarding Payroll Records (ECF No. 76), Motion to

Exclude the September 9, 2015 Opinion and Award of the AAA and Post-Hearing Briefs (ECF No. 77), Motion to Exclude Plaintiff's April 28, 2018 Affidavit (ECF No. 78), and Motion to Exclude Expert Opinions of Andrew C. Verzilli (ECF No. 79), are **DENIED as moot**; and,

5. Defendants' Motion to Strike Plaintiff's May 24, 2018 Letter (ECF No. 80) is **GRANTED**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.